

and by state law. Jurisdiction over the federal claims is vested pursuant to 29 U.S.C. 626(c) and 28 U.S.C. § 1331. Jurisdiction over the state law claims under 25 O.S. § 1101, et seq is vested under 28 U.S.C. § 1367.

4. All of the actions complained of occurred in Garfield County, Oklahoma, and the Defendants may be served in that county, wherefore venue is proper in this Court under 28 U.S.C. § 1391(b).

STATEMENT OF FACTS

5. The Plaintiff is an adult male over fifty (50) years of age who was employed by the Defendants until his involuntary termination, which occurred on or about Dec. 15, 2015.
6. Defendant Pelagic Tank LLC at all times had more than twenty (20) employees during each of the twenty weeks of 2014 and 2015.
7. Defendant Legacy at all times had more than twenty (20) employees during each of the twenty weeks of 2014 and 2015.
8. Pelagic was acquired and is wholly owned by Legacy Measurement Solutions, Inc., and Legacy controlled the personnel actions at the time of Plaintiff's termination, such that Pelagic and Legacy may be considered an integrated enterprise or single employer of the Plaintiff.
9. Plaintiff's termination was claimed to be as a result of a reduction in force.
10. The claimed RIF was comprised of only three persons, the youngest of whom was 56 years old. At least two of these positions were not eliminated, but taken over by younger employees.
11. Plaintiff was qualified to perform many other positions which continued in existence

- after the Plaintiff's termination and which were performed by younger employees.
12. In particular, a new employee had been hired around July 2015, to serve as plant manager, which was the equivalent of Plaintiff's position as general manager. The new employee was ten (10) or more years younger than Mr. Barbour and was retained, while Mr. Barbour was terminated.
 13. Age discrimination is contrary to the ADEA, and Mr. Barbour brings his claim for relief thereunder.
 14. Age discrimination is also contrary to the OADA, and Mr. Barbour brings his state law claim for relief thereunder.
 15. Plaintiff timely filed a charge of discrimination on or about February 5, 2016, received his right to sue letter on or about March 23, 2017, and this suit is timely filed within ninety (90) days of such date.
 16. As the direct result of Defendants' discriminatory actions under state and federal law, Mr. Barbour has suffered lost wages and benefits, which are continuing to accrue.
 17. Because the actions of the Defendants were willful, liquidated damages should be assessed equal to Plaintiff's lost wages through trial under the ADEA.
 18. Assessment of liquidated damages under the OADA does not require a showing of willfulness, and is added as a matter of law.

PRAYER

WHEREFORE, Plaintiff prays that he be awarded his actual and liquidated damages, together with costs, pre- and post-judgment interest and attorney's fees, and any other relief as may be appropriate.

RESPECTFULLY SUBMITTED THIS 25th DAY OF MAY, 2017.

s/Mark Hammons
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**JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIMED**